

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHALLENGE MFG. COMPANY, et al.,

Plaintiffs,

Case No. 13-cv-13290

v.

HON. MARK A. GOLDSMITH

BLUE CROSS AND
BLUE SHIELD OF MICHIGAN,

Defendant.

ORDER ADMINISTRATIVELY CLOSING THE CASE
PENDING THE OUTCOME OF AN APPEAL IN ANOTHER CASE

Along with over thirty nearly identical cases in the Eastern District of Michigan, the instant case concerns allegations that Defendant allegedly skimmed an additional administrative fee beyond what was permitted in an administrative services contract. Importantly, following a bench trial in one of these matters, Hi-Lex Controls, Inc. v. BCBSM, No. 11-12557, 2013 WL 2285453 (E.D. Mich. May 23, 2013), U.S. District Judge Roberts entered judgment for the plaintiffs and against Defendant. Defendant filed an appeal of that decision, which is currently pending before the Sixth Circuit. Since that appeal, similar cases have been stayed pending the outcome of the appeal. See, e.g., Bandit Indus., Inc. v. BCBSM, No. 13-12922, 2013 WL 5651444 (E.D. Mich. Oct. 15, 2013).

Staying the instant case makes sense because the parties have informed the Court that the outcome of the appeal will have a substantial effect on the proceedings in this matter and provide the Court with significant guidance on the relevant legal issues. Accordingly, the Court finds

that a stay of this case pending the Sixth Circuit's decision in Hi-Lex best effectuates the goals of judicial economy and will not prejudice Plaintiffs.

The clerk is instructed to close the case without prejudice for administrative and statistical purposes. This closing is not a decision on the merits. Any party may file a motion to reopen the matter upon the issuance of a mandate by the court of appeals in the Hi-Lex matter.

SO ORDERED.

Dated: November 6, 2013
Flint, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on November 6, 2013.

s/Deborah J. Goltz
DEBORAH J. GOLTZ
Case Manager